

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS COUNTY OF NEWPORT

The Town Council of the Town of Tiverton, County and State aforesaid held a Special Meeting on Monday the 4th day of May 2015 at 7:00 p.m. at the Tiverton Middle School Cafetorium, 10 Quintal Drive.

MEMBERS PRESENT:

Council President deMedeiros, Vice President Chabot, Councilor Lambert, Councilor Mello, Councilor Pelletier, Councilor Perry and Councilor Sousa.

Town Administrator Matthew Wojcik and Town Solicitors Anthony DeSisto and Stephanie Federico were also present.

1. Call To Order

Council President deMedeiros called the Council to order with a pledge of allegiance to the flag and roll call.

Councilor Pelletier made a motion, seconded by Councilor Chabot to move up item #3, the Presentation, out of order ahead of item #2, the IAFF Contract as the Labor attorney will be late. Motion passed unanimously.

3. Presentation by John E. Taylor, Jr. Chairman Twin River Worldwide Holdings, Inc.

President deMedeiros made clear this was the first time the Council as a whole was hearing this presentation. This is not a public hearing; the Council will be allowed to ask questions, there will be several public hearing between now and November 2016. John E. Taylor, Jr., Chairman of Twin River Worldwide Holdings, Inc. introduced the team- Joe Moore, General Manager Newport Grand, Craig Scholin, General Manager Twin River, George Carlin, CFO and Kim Ward, Director of Community Relations. Twin River is the seventh largest casino in the country; Twin River Holdings also owns and operates the Hard Rock casino in Biloxi, MO, horse race track in Denver and 13 off track betting areas. Here to discuss an idea and a concept about moving a gaming license to Tiverton. From a competitive perspective would like Tiverton to consider what a license means. Twin River is the 3rd largest source of revenue for the State, some \$250 million per year, employs 1,600. When Twin River acquires Newport Grand in June it will add another 160 people. Why Tiverton? Looked for easy access to the highway, for an area that would have minimal impact on the community. The majority of Newport Grand customers come from SE Mass. Have secured the rights to 45 acres diagonally across from Route 24 within 400 feet of the MA border, steps can be taken to mitigate traffic. It is zoned Highway Commercial.

From a revenue standpoint, this could bring the Town an estimated \$4 million dollars per year in non-resident tax revenue. Would create 350-400 jobs, bring the existing Newport Grand employees here, give preference to Tiverton residents for the first jobs. Here with a clean slate, have no pictures or list of amenities. This will not be a \$500 million dollar destination casino. Will work with the Town during the process with concerns and questions. Anticipate this market can handle 1,100 slots and 30 tables, will do a feasibility study. Planning 40-50 small resident gatherings now through the summer to get feedback. In September planning on 3-4 public workshops regarding design, traffic, environmental issues and development. Will prepare multiple design options including amenities for some time in October. For November should have final review plans and feasibility studies. Would be helpful for the Council to invite officials from Lincoln to know about the relationship with Twin River. Mr. Taylor concluded his remarks at this time.

President deMedeiros started the Council questions, wanted to know if Mr. Taylor contacted the Department of Transportation regarding the proposed roundabout, was concerned about the bad traffic in that area. Mr. Taylor confirmed the engineers have contacted DOT, have been tasked with a number of studies. President deMedeiros opined the entrance would be after the fruit stand. Mr. Taylor explained that would be subject to design. There is a roundabout in Lincoln, want to be part of the solution for the traffic issue. Councilor Sousa heard concerns about police and fire calls to the facility, would like to know how many calls there were to Newport Grand over the last several years. Mr. Taylor explained the security staffs are either existing or former law enforcement, present on a 24/7 basis. At our cost put a police detail on property, RI Lot has investigators on 24/7 and the State Police Gaming

Unit has a presence regularly. Do not own Newport Grand yet, should be able to get those numbers, could supply the number of calls handled in Lincoln, find the result interesting. Councilor Pelletier discussed and questioned the process. Mr. Taylor explained the Council has the ability to decide as the first line of governance, then would go before the voters of the Town and the State. The \$4 million projected revenue stream would come from a combination of property tax, gaming tax, Town share of slot and table revenue, food and beverage tax. There may be some discussion on secondary egress, would be the only additional land needed.

Councilor Lambert discussed and questioned casinos in nearby Massachusetts. Mr. Taylor explained his organization was precluded from doing business in Massachusetts, did not believe there was a market for a \$500 million dollar destination casino in SE Mass. President deMedeiros discussed and questioned the timeline. In November of 2015 the Council would have the final presentation. Mr. Taylor expected to get it to the legislature in the spring of 2016 if the Town says yes. If the Council says no that is the end of the process. Councilor Perry thanked Mr. Taylor and all the residents who came to listen. Read an article that said this casino would be a quarter of the size of Twin River. Mr. Taylor explained, based on the number of slots and table games, this venue would be approximately 25% the size of Twin River in Lincoln. Mr. Taylor suggested talking to town official in Lincoln and Newport, have a great working relationship with both. Councilor Sousa had questions about jobs. Mr. Taylor predicted 350 jobs would be created, have 160 employees with licenses at Newport. Try to hire local people, use local vendors. Started with 890 employees at Lincoln, now have over 1,600. Work with over 100 RI based vendors, are considerate to RI. Councilor Chabot had questions about surveys by phone and by mail, did receive a questionnaire, will the Council be privy to the results? Mr. Taylor explained some of the results will not be released in totality, will share the local questionnaire with the Council. Councilor Perry received calls concerning the 45 acres growing into a Twin River. Mr. Taylor noted, absolutely not, everything has to be approved by the voters. A hotel would be part of the conversation, if the residents say no, that's it. Councilor Pelletier noted the Town Council and the other bodies of the Town need to do due diligence.

President deMedeiros encouraged everyone to go to the public hearings, attend the Council meetings when this item comes up, call or come to the Council with concerns. Councilor Peter Mello questioned being contacted by neighbors who may want to meet. Mr. Taylor noted people could reach out to them directly to set up meetings, best in small groups. President deMedeiros suggested putting contact information on the Town website. Mr. Taylor wished for as much feedback as possible, hoping for a workshop in September. President deMedeiros thanked Mr. Taylor for coming, this is just the start, nothing has been decided yet. Mr. Taylor thanked the Council for the opportunity to have a conversation, hope people keep an open mind and participate in the process.

At this time, 7:45 pm, President deMedeiros call for a brief recess, Council returned at 8:00 pm.

2.Discussion and Vote of Town Council for Ratification of Memorandum of Understanding for Remainder of FY2015 and 3 Year Contract for IAFF Effective July 1, 2015 Through June 30, 2018.

Town Administrator Matthew Wojcik and Labor Counsel Tim Cavazza explained the tentative agreement before the Council. This is a fundamental change to the Fire Department (FD), a reorganization to improve performance and career tracks. This keeps a 7 man minimum shift and an 8 man roster. This maintains a level of safety. Attorney Cavazza discussed the rest of the agreement, negotiated a 3 platoon shift schedule. The Council by resolution reorganized to 3 shifts for the rest of this year and 3 additional fiscal years. The resulting contract is a good deal for the Town and the fire fighters. Will fundamentally correct the overtime issues, has been ratified by a majority of the local bargaining unit. Highlights include a 3 platoon staff schedule, going from 42 average hour week to 56 hour week, 2 days on followed by 4 days off duty. President deMedeiros noted it was important the FD chose this model, were given several options. If the parties by mutual agreement will sit down and discuss a different shift schedule in March 2016. As part of the reorganization created a full time Fire Marshall dedicated position, 8 hours per day. It is an exempt salary position, no overtime, can work a flex schedule with permission of the Chief. Another change occurs in the area of overtime, shall strictly adhere to the federal Fair Labor Standards Act (FLSA). Means firefighters will be entitle to overtime pay for time worked in excess of 212 hours in a 28 day work period. Agreed on a cap of \$125k, once overtime hits \$125k then there will be strict compliance

with FLSA. For year two it would be \$150k and for year 3, \$175k. At the end of the contract the FLSA would sunset. Only actual hours worked count toward the 212 hours.

Other areas of the contract were converted to reflect the change in hours. Vacation schedule changes slightly taking the number of days per year to 12 hours per day with an additional 12 hour of vacation added to each tier schedule. Sick leave was converted like vacation days. Reduced accumulated sick leave to 20 days from 21, capped at the current level for fire fighters who have exhausted sick leave. Agreed to change personal leave from days to 12 hour per day, changed bereavement leave to 48 hours, added 24 hours for niece, nephew, aunt or uncle. Changed union meeting leave to 12 hours per day and emergency leave to 12 hours per day with an additional 12 hours per day for a 48 hour emergency leave, Chief has the final call. Agreed to rebid assignments within the schedule, Chief has a plan for it, can start as early as tomorrow. Relative to the salary agreed to go from a 42 hour work week to a 56 hour work week. Through attrition this will reduce 4 fire fighter positions while increasing staffing on each of the 3 platoons. The fire fighters asked for an hourly rate increase, the Town was unwilling to do that. Instead agreed to put back in the current fiscal year an 8% increase of the base salary, 4% for year 2, 5% for year 3 and on the last day of the contract up by 2%. In the past the Fire Marshall position has been worked on an overtime basis, was a lot of discussion on the qualifications. It was agreed this position will have a 5 year service minimum, a valid Assistant Deputy State Fire Marshal's license, NFPA Firefighter 1 & 2, NFPA Hazmat Awareness certificate, RI Fire Alarm license or equivalent. The employee will hold the rank of Fire Marshal. Initial selection based on strict seniority, after that it would be a test, 70% written, 30% oral board before a 3 man board, tiebreaker decided by the State Fire Marshal. For this position it would be an 8 hour per day conversion similar to the previous conversions. The parties agreed to add 2 additional Captains so there will be 3 Captains, 3 platoons. Will add 3 lieutenants in year 2 of the contract. The emergency measures taken by the Council will remain in effect until the end of this fiscal year. The Union will withdraw the grievance regarding minimum manning and the grievance regarding overtime with prejudice for a full release of claims. In exchange they agreed to settle for a one-time payment of \$1,100 non-pensionable per fire fighter for 32 fire fighters. The emergency measures reduced the overtime burn rate of \$1,250 per week to several hundred dollars, approximately a \$25k per month savings. Agreed the Chief has the final discretion in granting sick leave, the Executive Board will make the case to the Chief. Prior to entering into negotiations had an agreement on several non-monetary specific items, no financial cost to the Town, parties sat down to work out the language.

Administrator Wojcik explained will get primary savings through the attrition of the 4 fire fighters, meeting the base salary and the reduced overtime. This contract has a 7 man minimum but a 9 person roster, a 2 space cushion. If realizing the overtime cap then the FLSA protection comes into play and comp time up to 48 hours has no accrual from one year to the next and the use of comp time cannot create overtime with it, capped at 48 hours. Works very well in the Police Department, do not have the same overtime issues there. No changes to the EMS stipend, longevity or clothing allowance. Attorney Cavazza mentioned all were in agreement this schedule is a healthier and safer schedule for both sides. This would be the first contract in the State of RI that moved to the 3 platoon schedule outside of the bankruptcy context. President deMedeiros opened the floor to Council questions. Councilor Sousa noted the proposed contract amendment has been before the public for 4 days, was put in the Charter so people could review, object or question. Councilor Sousa objected to having the Council vote, first time seeing overtime built into a contract. Questioned why, when the Budget Committee usually sets this overtime budget on past experience. T/A Wojcik explained this is not a budget document, this contract sets a cap, it does not guarantee this level. Attorney Cavazza added this document does not dictate how much money goes into the budget, on July 1 if it hits that amount then overtime becomes much more difficult to get, does not tie the Council's hands, gives a cushion. T/A Wojcik explained this sets a cap; overtime will only be available if you work the mandatory minimum hours which is 212 hours during a 28 day cycle. Councilor Sousa did not want to obligate future Councils or budget committees. T/A Wojcik noted this was setting a limit they cannot go beyond. Discussion followed on the salary increase, President deMedeiros explained, was not really a raise as they are working 33% more hours. Councilor Sousa was concerned it would complicate negotiations with other unions.

As explained by T/A Wojcik the Town had some individuals with a base salary of \$50k making \$100k through overtime, this contract severely limits overtime. An individual's base salary may go up but the total annual compensation is down for some employees, looking for stability and predictability. Councilor Sousa, with regards

to the Fire Marshal called the League of Cities and Towns for a list of departments that don't have a fire marshal but use the State Fire Marshal. Councilor Sousa was not in favor of this position was not something the Town had to fund. T/A Wojcik disagreed, the Fire Marshal' position was very important. Need one consistent voice engaged as a professional. There are many proposals, if they go forward some are massive, time frames are involved. Councilor Pelletier requested an explanation about the 4 positions being eliminated through attrition. T/A Wojcik explained there was one resignation in March so that position has been vacant. Two fire fighters have been out for some time on injured on duty status, they will be going to subcommittee disability pension hearing board, one on June 5, the other July 7, confident those two positions will go to attrition, one is vacant due to a termination taking one offline. Councilor Perry suggested anyone with questions regarding the increase talk to the Administrator who can best explain it. Councilor Pelletier opined it was a good contract; everyone seems to agree it is in the best interest of the Town. President deMedeiros noted she and Councilor Perry were part of the negotiation team, wanted to thank the Fire Fighters for being cooperative, for their professionalism.

Councilor Pelletier made a motion to Ratify both the Memorandum of Understanding for remainder of FY 2015 and the 3 Year Contract with the International Association of Firefighters (IAFF) Union effective July 1, 2015 ending in June 30, 2018, the changes in the Tentative Agreement and Impact Statement attached. The motion was seconded by Councilor Perry. President deMedeiros also thanked Chief Lloyd for bringing the two sides together and for his suggestions. Motion passed on a vote of 6-1, Councilor Sousa opposed.

ADJOURNMENT:

Councilor Mello motioned to adjourn, seconded by Councilor Chabot, motion passed unanimously.

Council adjourned at approximately 9:00 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk